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WASHINGTON STATE GAMBLING COMMISSION
**GAMBLING COMMISSION
COMM & LEGAL DEPT**

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**GAMBLING COMMISSION
COMM & LEGAL DEPT**

In the Matter of the Suspension or
Revocation of the Licenses to Conduct
Gambling Activities of:

LISA TERRY
Everett, Washington

Licensee.

Docket No. 2009-GMB-0080
GC No. CR 2009-01128

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND INITIAL ORDER

STATEMENT OF THE CASE

Pursuant to notice duly given, an Administrative Hearing was held before Terry A. Schuh, duly appointed Administrative Law Judge, at the Gambling Commission Office, 4565 Seventh Avenue S.E., Lacey, Washington, on the 16th day of December 2009, In the Matter of the Revocation of the License to Conduct Gambling Activities of Lisa Terry, Licensee, License number 68-14364, which expires on July 1, 2010.

The Washington State Gambling Commission (hereinafter, "the Commission") was represented by H. Bruce Marvin, Assistant Attorney General. Lisa Terry (hereinafter, "Ms. Terry" or "the licensee") represented herself pro se.

On September 21, 2009, the Deputy Director of the Commission caused a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to be issued against the Licensee alleging that her Card Room Employee License was subject to revocation because, in the course of her employment at the Great American Casino in Tukwilla, the Licensee allegedly issued to herself unearned Sonoma player credit and falsely and fraudulently redeemed those points for food and cigarettes. The Licensee timely applied for an adjudicative proceeding. The Commission duly notified the Licensee of the time and the place of the Administrative Hearing. There were 12 exhibits admitted and testimony was offered by two witnesses: Special Agent Dawn Mueller, Washington State Gambling Commission; and Lisa Terry, Licensee.

The Administrative Law Judge, having considered the evidence, now enters the following Findings of Fact pursuant to the preponderance of the evidence standard:

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Initial Order 2009-GMB-0080

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**GAMBLING COMMISSION
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FINDINGS OF FACT

1. The Licensee, Lisa Terry, is the holder of a Class B Public Card Room Employee License, License Number 68-14364, issued by the Commission while employed at the Great American Casino, located in Tukwila, Washington.
2. Staff at the Great American Casino (hereinafter, "the Casino") observed the Licensee purchase food and cigarettes with Sonoma player credit, commonly called "comp" points, but noted that they had never observed the Licensee gambling. The Casino reviewed the Licensee's Sonoma player history and determined that the Licensee had been logging herself into the Sonoma system while she was working.
3. The Sonoma system is an electronic system with which the Casino tracks the gambling activities of its patrons, both regarding duration played and amounts bet, to award and track "comp" points earned by patrons as they played. A player can redeem "comp" points for food and cigarettes, among other things. Typically, 300 points has a redemption value of approximately \$1.00.
4. The Casino authorized the Licensee to log players into the Sonoma system and track their play. This was part of the Licensee's job function as a pit boss.
5. The Casino determined that the most recent instance of the Licensee logging herself into the Sonoma system while working was July 21, 2009. That day, the Licensee logged herself into the Sonoma system for play at a table that was not operating and between 0414 hours and 0454 hours credited herself with 7298 points. Shortly thereafter, the Licensee used 3000 of these points to purchase from the Casino a \$10.00 pizza, which she immediately consumed.
6. The Licensee's conduct violated the Casino's internal controls.
7. The Casino suspended the Licensee on July 27, 2009, and subsequently discharged the Licensee.
8. On July 28, 2009, the Casino reported this matter to Special Agent Dawn Mueller. Special Agent Mueller investigated. She determined that from June 15, 2009, through July 21, 2009, the Licensee accumulated 23,384 unearned "comp" points and redeemed with her points over the period of July 5, 2009, through July 21, 2009, \$33.00 worth of food and \$32.00 worth of cigarettes.
9. The Licensee admitted her conduct and regretted it. She said her supervisor knew that she was doing this but did not intervene. The Licensee alleged that many other employees were abusing the Sonoma system for their benefit but did not get caught. The Licensee did not anticipate that her conduct would cost the Licensee her job and her license.

From the foregoing Findings of Fact, the Administrative Law Judge now enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. I, the undersigned Administrative Law Judge, have jurisdiction to hear and initially decide this matter. RCW (Revised Code of Washington) 9.46.140(2) and (4), RCW 34.05.485(1)(c), RCW 34.12.030(1), WAC (Washington Administrative Code) 230-17-010, and WAC 230-17-025. The Commission has the broad purpose of protecting the public by insuring that those activities authorized by Chapter 9.46 RCW do not maliciously affect the public and do not breach the peace. RCW 9.46.010.

2. The Licensee, Lisa Terry, is the holder of a license to act as a public card room employee and is subject to the provisions of RCW 9.46.075 and WAC 230-03-085.

3. The Commission may suspend or revoke the License of a Licensee who "[h]as violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by Chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto . . ." RCW 9.46.075(1). The Commission may suspend or revoke the License of any Licensee who "[c]ommits any act that constitutes grounds for denying, suspending or revoking licenses or permits under RCW 9.46.075." WAC 230-03-085(1).

4. Moreover, any Licensee must "establish by clear and convincing evidence the necessary qualifications for licensure . . ." RCW 9.46.153(1).

5. "Licensed card room employees must follow the internal control procedures for their individual functions." WAC 230-15-425(2).

6. It is a violation of Chapter 9.46 RCW to defraud or deceive in the course of conducting gambling activities. RCW 9.46.190.

7. It is a violation of Chapter 9.46 RCW to cheat. RCW 9.46.1961.

8. "Cheating" includes defrauding or deceiving the operator of a gambling facility. RCW 9.46.196.

9. Here, the Licensee violated the Casino's internal controls regarding the use of the Sonoma system, crediting herself unearned "comp" points and redeeming them for food and cigarettes. In doing so, the Licensee deceived the Casino regarding the legitimacy of her "comp" points and defrauded the Casino by redeeming those "comp" points for Casino property. The Licensee argued that others were doing the same and that she did not realize

that her conduct would cause her to lose her job and her license. Further, at least one of these "others" was apparently the Licensee's immediate supervisor. Nevertheless, the Licensee knew that she was violating the Casino's practices and that she was converting Casino property for her own use. That others were also doing so does not diminish the character of her conduct. Nor does the Licensee's belief that her conduct would not cost her a job and her license reduce the seriousness of her conduct. The Licensee violated the Casino's internal controls; she deceived and defrauded the Casino; she cheated.

10. Thus, a preponderance of the evidence establishes that the Licensee violated provisions, requirements, conditions, limitations or duties imposed by Chapter 9.46 RCW and that grounds exist to revoke her Cardroom Employee License under RCW 9.46.075(1) and WAC 230-03-085(1).

From the foregoing Conclusions of Law, NOW THEREFORE

INITIAL ORDER

IT IS HEREBY ORDERED that, in the public interest, the License of Lisa Terry to act as a Card Room Employee, #68-14364, be and the same is hereby REVOKED.

Dated and Mailed this 26th day of January 2010 at Olympia, Washington.



Terry A. Schuh
Administrative Law Judge
Office of Administrative Hearings
PO Box 9046
Olympia, WA 98507-9046

NOTICE TO THE PARTIES

You may file an appeal of this order within twenty three days from the day OAH mails this initial order to you. WAC 230-17-090(2); *see also* WAC 230 -17 -030(2), WAC 230 -17 -035(2) [Service by first class mail is complete three days after mailing.]. An appeal from an initial order is known as a "petition for review". Your petition for review should (a) identify the parts of the initial order you disagree with and (b) refer to the evidence in the record that supports your position. If you decide to petition for review, you must serve copies of your

petition on all parties or their representatives at the same time you file it with the Gambling Commission. If the Commission does not receive a petition for review within 23 days, the Commission will automatically make this order its final order.

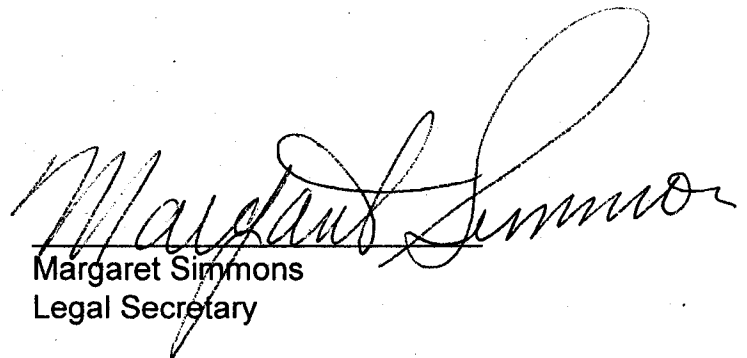
Any party may file a written response to a petition for review, known as a reply. If you wish to file a reply, it must be filed with the Commission within thirty days of the date you are served with the petition. You must serve copies of the reply on all parties or their representatives at the same time you file your reply.

Any party may file a cross appeal. Cross appeals must be filed with the commission within ten days of the date when the petition for review is filed with the Commission. WAC 230 -17 - 090(5). If you wish to make a cross appeal, you must serve copies of the cross appeal upon all other parties or their representatives at the same time you file your cross appeal.

If a party timely files a petition for review, then at least a majority of the Commission members shall review the petition within 120 days and render a final order.

Certificate of Service

I certify that I mailed true and exact copies of the **Initial Order** to the following parties, postage prepaid this 26th day of January 2010 at Olympia, Washington.



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